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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,459	04/24/2001	Mark N. Robins	10011502-1	5364

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

HANNETT, JAMES M

ART UNIT PAPER NUMBER

2612

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/841,459

Applicant(s)

ROBINS ET AL.

Examiner

James M. Hannett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-12 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-12 and 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 12/3/2004 have been fully considered but they are not persuasive. The applicant argues that Maruyama does not teach the method of generating a multiple exposure in which a preview image which is a yet to be digitally captured image of the current scene is superimposed over a previously captured image. The applicant further argues that the superimposed image in Maruyama has already been captured and therefore, can not be viewed as a preview image.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a preview image which is a yet to be digitally captured image of the current scene) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner views the superimposed image of Maruyama as a preview image because it allows the user to view the image to be merged with the background before it is merged. Therefore allowing the user to preview a multiple exposure with the super imposed image before the composite image is finalized.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1: Claims 10-12, 21, 22, 24-26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2000-056358 Maruyama.

2: In regards to Claim 10, Maruyama teaches in the abstract and on Paragraph [0005] and [0010] a method for generating a multiple exposure in a digital camera, the method comprising: displaying simultaneously a background digital image and a superimposed preview image; capturing a digital image of the preview image; and combining the background digital image and the digital image of the preview image to generate the multiple exposure.

3: As for Claim 11, Maruyama teaches in Paragraph [0009] that the multiple exposure is saved in memory.

4: In regards to Claim 12, Maruyama teaches in Paragraph [0008-0010] the background digital image comprises a composite of a plurality of digital images.

5: As for Claim 21, Maruyama teaches in Paragraph [0007-0010] a digital camera, comprising: an optical system (taking lens); an imaging device (15) for converting optical imaged received from the optical system to corresponding digital images; a memory for storing the digital images (26); and a controller configured for combining the digital images (22). Maruyama teaches in Paragraph [0041-0043] a display configured for displaying simultaneously a first digital image and a superimposed preview image.

6: As for Claim 22, Maruyama teaches in Paragraph [0018 and 0065] that different numbers of exposures can be captured to perform a multiple exposure, therefore, it is inherent that the camera include an input device for specifying the number of digital images to be combined.

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7: In regards to Claim 24, Maruyama teaches in Paragraph [0008-0010] the background digital image comprises a composite of a plurality of digital images.

8: As for Claim 25, Maruyama teaches in Paragraph [0007-0010] a digital camera, comprising: means for collecting optical images (taking lens); means for converting the optical images to corresponding digital images (15); means for storing the digital images (26); and means for combining the digital images (22). Maruyama teaches in Paragraph [0041-0043] a display configured for displaying simultaneously a first digital image and a superimposed preview image.

9: As for Claim 26, Maruyama teaches in Paragraph [0018 and 0065] that different numbers of exposures can be captured to perform a multiple exposure, therefore, it is inherent that the camera include an input device for specifying the number of digital images to be combined.

10: In regards to Claim 28, Maruyama teaches in Paragraph [0008-0010] the background digital image comprises a composite of a plurality of digital images.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11: Claims 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP

2000-056358 Maruyama in view of EP-1-067-778-A2 Hamada.

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12: In regards to Claim 23, Maruyama teaches the claimed invention as discussed in Claim 21, However, Maruyama does not teach specifying a weighting factor for each of the digital images to be combined.

Hamada teaches that each of the images in the multiple exposure are weighted equally by the reciprocal of the number of images captured. Therefore, teaches specifying a weighting factor for each of the digital images to be combined. Hamada teaches that this method is advantageous because it prevents deterioration of the signal to noise ratio of the output image and prevents overflow of a memory capacity.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made weight each of the images in the multiple exposure by the reciprocal of the number of images captured in order to prevent deterioration of the signal to noise ratio of the output image and prevents overflow of a memory capacity.

13: In regards to Claim 27, Maruyama teaches the claimed invention as discussed in Claim 25, However, Maruyama does not teach specifying a weighting factor for each of the digital images to be combined.

Hamada teaches that each of the images in the multiple exposure are weighted equally by the reciprocal of the number of images captured. Therefore, teaches specifying a weighting factor for each of the digital images to be combined. Hamada teaches that this method is advantageous because it prevents deterioration of the signal to noise ratio of the output image and prevents overflow of a memory capacity.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made weight each of the images in the multiple exposure by the reciprocal of the

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number of images captured in order to prevent deterioration of the signal to noise ratio of the output image and prevents overflow of a memory capacity.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

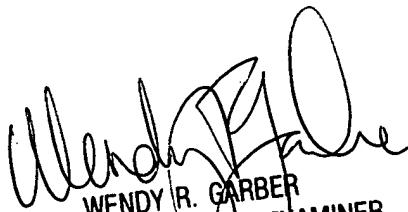
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
Art Unit 2612

JMH
May 11, 2005


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